



AD-A270 349



June 15, 1982  
NUMBER 1412.2

ASD(C)

## Department of Defense Directive

SUBJECT: Contributions to State Retirement Programs for National Guard Technicians

- References: (a) DoD Directive 1412.2, "Withholding of Compensation of Civilian Employees of the National Guard for State and State-Sponsored Employee Retirement, Disability, or Death Benefits Programs," August 16, 1962 (hereby canceled)
- (b) Title 5, United States Code, Sections 5518 and 8331-8348
- (c) Executive Order 10996, "Promulgating Regulations Concerning Withholding of Compensation of Civilian Employees of the National Guard for State and State-Sponsored Employee Retirement, Disability, or Death Benefits Programs," February 20, 1962
- (d) Title 32, United States Code, Section 709 (Public Law 90-486, "National Guard Technicians Act of 1968")
- (e) Title 26, United States Code, Section 3111

### A. REISSUANCE AND PURPOSE

This Directive reissues reference (a) to update the policies that implement references (b), (c), and (d) for employer and employee contributions to state-sponsored retirement programs for National Guard technicians who have elected participation.

### B. APPLICABILITY AND SCOPE

1. This Directive applies to the Office of the Secretary of Defense and the Departments of the Army and the Air Force.
2. Its provisions establish terms and conditions governing federal and employee contributions for National Guard technicians who have elected participation in a state-sponsored employee retirement program not later than January 1, 1969. An eligible state employee retirement program may extend to disability and survivor benefits.

### C. DEFINITIONS

1. National Guard. The Army and Air National Guard of a state.
2. State. A state or territory of the United States, including the Commonwealth of Puerto Rico.
3. Technician. A federal employee of the National Guard, consistent with reference (d), exclusive of National Guard Bureau employees.

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93-22882



#### D. POLICY

It is the policy of the Department of Defense to (1) negotiate agreements with states for federal employees' contributions to a state or state-sponsored contributory retirement program; and (2) cooperate and process agreements with each state requesting a withholding agreement covering technicians of the National Guard for a state-sponsored retirement program.

#### E. PROCEDURES

1. Subsection 6(a) of P.L. 90-486 (reference (d)) requires technicians who elected to continue coverage under a state retirement plan to make such an election by January 1, 1969. If a technician filed a valid election to remain covered by an employee retirement system sponsored by a state, the U.S. Government may pay the amount of the employer's contribution and withhold the employee's designated share for deposit to the state program that becomes due for the period beginning on or after January 1, 1969.

2. The federal share of payments, including employer's taxes imposed by 26 U.S.C. 3111 (reference (e)), may not exceed the amount that the employing agency otherwise would contribute on behalf of the technician to the Civil Service Retirement and Disability Fund under 5 U.S.C. 8334 (reference (b)).

3. A person covered under a state-sponsored program shall not concurrently earn credits toward retirement or receive an annuity under reference (b).

4. A person who retires under a state retirement program shall not be eligible for any rights, benefits, or privileges to which retired civilian employees of the United States may be entitled.

5. Agreements with states shall comply with the standards contained in enclosure 1.

#### F. RESPONSIBILITIES

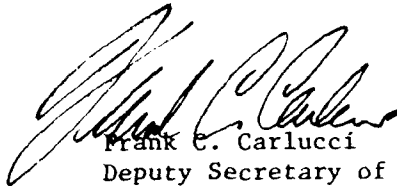
1. The Assistant Secretary of Defense (Comptroller) shall establish policy and procedures regarding state retirement programs for National Guard technicians and shall update agreements with authorized state officials for the Secretary of Defense.

2. The Secretary of the Army shall (a) implement the provisions of this Directive; (b) coordinate actions with the Secretary of the Air Force; and (c) designate the National Guard Bureau as the responsible agent for maintaining existing agreements with states and for coordinating administrative actions, to include preparing updated agreements.

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G. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward two copies of implementing documents to the Assistant Secretary of Defense (Comptroller) within 90 days.

  
Frank C. Carlucci  
Deputy Secretary of Defense

Enclosure - 1

Standards for Contribution Agreements with State Retirement Programs for  
National Guard Technicians

Accession For	
NTIS CRA&I	<input checked="checked" type="checkbox"/>
DTIC TAB	<input type="checkbox"/>
Unannounced	<input type="checkbox"/>
Justification <i>per form 50</i>	
By _____	
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DRD QUALITY INSPECTED

STANDARDS FOR CONTRIBUTION  
AGREEMENTS WITH STATE RETIREMENT  
PROGRAMS FOR NATIONAL GUARD TECHNICIANS

Each agreement between the Secretary of Defense and the Governor, or other authorized state official, for employer and employee contributions to a state retirement program for National Guard technicians shall be completed within 120 days of receipt of a state request, provided that --

1. State law provides for payment of employee contributions to a state-sponsored employee retirement system by withholding sums from the employee's compensation and making payment to the official designated to receive sums withheld.

2. The program is limited to technicians of the National Guard.

3. Each agreement is consistent with this Directive and contains a clause that subjects the agreement to any statutory amendments occurring after the effective date of the agreement.

4. The agreement shall comply with the requirements of state law that specify who is eligible for such state-sponsored retirement programs.

5. The commencement date for contributions must be specified.

6. Contribution procedures, filing requirements, and payment instructions conform, when practicable, to the usual fiscal practices of the Department of the Army and the Department of the Air Force.

7. The agreement does not impose requirements on the Department of Defense that are more burdensome than those requirements imposed on departments, agencies, or subdivisions of the state concerned.

8. Except to the extent that an agreement may be inconsistent with this Directive, it shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

# DEPARTMENT OF DEFENSE

## DIRECTIVES SYSTEM TRANSMITTAL

NUMBER	DATE	DISTRIBUTION
1412.2, Change 1	November 29, 1991	1000 Series

### ATTACHMENTS

None

### INSTRUCTIONS FOR RECIPIENTS

The following pen changes to DoD Directive 1412.2, "Contributions to State Retirement Programs for National Guard Technicians," June 15, 1982, are authorized:

### PEN CHANGES

#### Page 1

Header

Change "ASD(C)" to "C, DoD"

#### Page 2

Subsection F.1., line 1. Change "Assistant Secretary of Defense (Comptroller)" to "Comptroller of the Department of Defense"

Line 4. Add "This authority may be redelegated."

#### Page 3

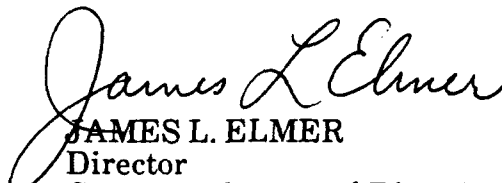
Section G. line 2.

Change "Assistant Secretary of Defense (Comptroller)" to "Comptroller of the Department of Defense"

Change "90" to "120"

### EFFECTIVE DATE

The above changes are effective immediately.

  
JAMES L. ELMER  
Director  
Correspondence and Directives

WHEN PRESCRIBED ACTION HAS BEEN TAKEN, THIS TRANSMITTAL SHOULD BE FILED WITH THE BASIC DOCUMENT